

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DONNA LAMOUR,**

**Plaintiff,**

**v.**

**3:22-CV-0841  
(TJM/ML)**

**HSBC BANK, USA, National Association  
as Trustee, For Deutsche ATL-A Securities  
Mortgage Loan Trust, Series 2007-OA2  
Mortgage Pass-Through Certificate,**

**Defendant.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

**I. INTRODUCTION**

The Clerk of the Court sent the *pro se* complaint in this action (Dkt. No. 1), together with an application to proceed *in forma pauperis* (Dkt. No. 2), and a petition for foreclosure judgment reversal (Dkt. No. 4), filed by Donna Lamour (“Plaintiff”), to the Hon. Miroslav Lovric, United States Magistrate Judge, for review.

Judge Lovric granted Plaintiff’s application to proceed *in forma pauperis*, and recommends that (a) her petition for foreclosure judgment reversal be denied, and (b) her Complaint (Dkt. No. 1) be dismissed in its entirety without leave to amend. See Order and Report-Recommendation, Dkt. No. 5. Judge Lovric notes that Plaintiff’s petition for foreclosure judgment reversal (Dkt. No. 4) is substantively identical to the Complaint. See Order and Report-Recommendation, at 2, n.2; *id.*, at 8. As Judge Lovric indicates,

Plaintiff's Complaint alleges that Defendant HSBC Bank USA ("Defendant") foreclosed on Plaintiff's property in New York State Court. Plaintiff alleges that the State Court lacked jurisdiction and Defendant lacked standing to seek the foreclosure because Defendant did not produce wet-signature original documents to the State Court. Plaintiff alleges that she sought the wet-signature original documents from Defendant but that Defendant did not produce them. Based on these factual assertions, Plaintiff is requesting that this Court award her "possession, free and clear title/deed and injunctive and other relief which will effectively reverse and invalidate the fraudulent foreclosure sale of Plaintiff's Property." Dkt. No. 1 at 11. Plaintiff does not appear to be seeking any monetary damages. See *generally* Dkt. No. 1.

Judge Lovric found that all four requirements of the *Rooker-Feldman* doctrine are present here, and therefore recommends that Plaintiff's Complaint be dismissed because the Court lacks subject matter jurisdiction over the dispute. See Order and Report-Recommendation, at 6-7; see also *Hoblock v. Albany Cty. Bd. of Elections*, 422 F.3d 77, 84 (2d Cir. 2005)(The *Rooker-Feldman* doctrine stands for "the clear principle that federal district courts lack jurisdiction over suits that are, in substance, appeals from state-court judgments."). Judge Lovric also recommends that Plaintiff not be afforded an opportunity to amend because "better pleading could not cure the Court's lack of subject matter jurisdiction based on the *Rooker-Feldman* doctrine described above with respect to Plaintiff's claims." Order and Report-Recommendation, at 8. Finally, Judge Lovric recommends that Plaintiff's petition for foreclosure judgment reversal be denied for the same reasons that the Complaint should be dismissed. *Id.*, at 8.

Plaintiff did not object to the recommendations in the Order and Report-Recommendation, and the time to do so has passed.

## **II. DISCUSSION**

After examining the record, this Court has determined that the recommendations in the Order and Report-Recommendation are not subject to attack for plain error or manifest injustice. The Court will accept and adopt Judge Lovric's recommendations for the reasons stated within the Order and Report-Recommendation.

## **III. CONCLUSION**

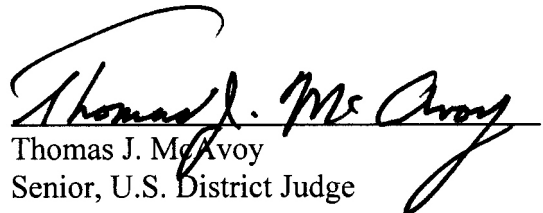
Accordingly, Judge Lovric's Order and Report-Recommendation, Dkt. No. 5, is **ACCEPTED and ADOPTED**. Thus, it is hereby

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITHOUT LEAVE TO REPLEAD** pursuant to 28 U.S.C. § 1915(e)(2)(B); and it is further

**ORDERED** that Plaintiff's petition for foreclosure judgment reversal (Dkt. No. 4) is **DENIED**.

**IT IS SO ORDERED.**

Dated: January 19, 2023

  
Thomas J. McAvoy  
Senior, U.S. District Judge